

111TH CONGRESS
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S. 354

To provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2009

Mr. WEBB (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. MENENDEZ, Mrs. McCASKILL, Mr. CASEY, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SANDERS, Ms. STABENOW, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Employees
5 Paid Parental Leave Act of 2009”.

6 **SEC. 2. PAID PARENTAL LEAVE UNDER TITLE 5.**

7 (a) AMENDMENT TO TITLE 5.—Subsection (d) of sec-
8 tion 6382 of title 5, United States Code, is amended—

1 (1) by redesignating such subsection as sub-
2 section (d)(1);

3 (2) by striking “subparagraph (A), (B), (C),
4 or” and inserting “subparagraph (C) or”; and

5 (3) by adding at the end the following:

6 “(2) An employee may elect to substitute for any
7 leave without pay under subparagraph (A) or (B) of sub-
8 section (a)(1) any paid leave which is available to such
9 employee for that purpose.

10 “(3) The paid leave that is available to an employee
11 for purposes of paragraph (2) is—

12 “(A) subject to paragraph (6), 4 administrative
13 workweeks of paid parental leave under this sub-
14 paragraph in connection with the birth or placement
15 involved; and

16 “(B) any annual or sick leave accrued or accu-
17 mulated by such employee under subchapter I.

18 “(4) Nothing in this subsection shall be considered
19 to require that an employee first use all or any portion
20 of the leave described in subparagraph (B) of paragraph
21 (3) before being allowed to use the paid parental leave de-
22 scribed in subparagraph (A) of paragraph (3).

23 “(5) Paid parental leave under paragraph (3)(A)—

1 “(A) shall be payable from any appropriation or
2 fund available for salaries or expenses for positions
3 within the employing agency;

4 “(B) shall not be considered to be annual or va-
5 cation leave for purposes of section 5551 or 5552 or
6 for any other purpose; and

7 “(C) if not used by the employee before the end
8 of the 12-month period (as referred to in subsection
9 (a)(1)) to which it relates, shall not accumulate for
10 any subsequent use.

11 “(6) The Director of the Office of Personnel Manage-
12 ment—

13 “(A) may promulgate regulations to increase
14 the amount of paid parental leave available to an
15 employee under paragraph (3)(A), to a total of not
16 more than 8 administrative workweeks, based on the
17 consideration of—

18 “(i) the benefits provided to the Federal
19 Government of offering increased paid parental
20 leave, including enhanced recruitment and re-
21 tention of employees;

22 “(ii) the cost to the Federal Government of
23 increasing the amount of paid parental leave
24 that is available to employees;

1 “(iii) trends in the private sector and in
 2 State and local governments with respect to of-
 3 fering paid parental leave;

4 “(iv) the Federal Government’s role as a
 5 model employer; and

6 “(v) such other factors as the Director
 7 considers necessary; and

8 “(B) shall prescribe any regulations necessary
 9 to carry out this subsection, including, subject to
 10 paragraph (4), the manner in which an employee
 11 may designate any day or other period as to which
 12 such employee wishes to use paid parental leave de-
 13 scribed in paragraph (3)(A).”.

14 (b) EFFECTIVE DATE.—The amendment made by
 15 this section shall not be effective with respect to any birth
 16 or placement occurring before the end of the 6-month pe-
 17 riod beginning on the date of the enactment of this Act.

18 **SEC. 3. PAID PARENTAL LEAVE FOR CONGRESSIONAL EM-**
 19 **PLOYEES.**

20 (a) AMENDMENT TO CONGRESSIONAL ACCOUNT-
 21 ABILITY ACT.—Section 202 of the Congressional Account-
 22 ability Act of 1995 (2 U.S.C. 1312) is amended—

23 (1) in subsection (a)(1), by adding at the end
 24 the following: “In applying section 102(a)(1)(A) and

1 (B) of such Act to covered employees, subsection (d)
 2 shall apply.”;

3 (2) by redesignating subsections (d) and (e) as
 4 subsections (e) and (f), respectively; and

5 (3) by inserting after subsection (c) the fol-
 6 lowing:

7 “(d) SPECIAL RULE FOR PAID PARENTAL LEAVE
 8 FOR CONGRESSIONAL EMPLOYEES.—

9 “(1) SUBSTITUTION OF PAID LEAVE.—A cov-
 10 ered employee taking leave without pay under sub-
 11 paragraph (A) or (B) of section 102(a)(1) of the
 12 Family and Medical Leave Act of 1993 (29 U.S.C.
 13 2612(a)(1)) may elect to substitute for any such
 14 leave any paid leave which is available to such em-
 15 ployee for that purpose.

16 “(2) AMOUNT OF PAID LEAVE.—The paid leave
 17 that is available to a covered employee for purposes
 18 of paragraph (1) is—

19 “(A) the number of weeks of paid parental
 20 leave in connection with the birth or placement
 21 involved that correspond to the number of ad-
 22 ministrative workweeks of paid parental leave
 23 available to Federal employees under section
 24 6382(d)(3)(A) of title 5, United States Code;
 25 and

1 “(B) any additional paid vacation or sick
 2 leave provided by the employing office to such
 3 employee.

4 “(3) LIMITATION.—Nothing in this subsection
 5 shall be considered to require that a covered em-
 6 ployee first use all or any portion of the leave de-
 7 scribed in subparagraph (B) of paragraph (2) before
 8 being allowed to use paid parental leave described in
 9 subparagraph (A) of paragraph (2).

10 “(4) ADDITIONAL RULES.—Paid parental leave
 11 under paragraph (2)(A)—

12 “(A) shall be payable from any appropria-
 13 tion or fund available for salaries or expenses
 14 for positions within the employing office; and

15 “(B) if not used by the covered employee
 16 before the end of the 12-month period (as re-
 17 ferred to in section 102(a)(1) of the Family and
 18 Medical Leave Act of 1993 (29 U.S.C.
 19 2612(a)(1))) to which it relates, shall not accu-
 20 mulate for any subsequent use.”.

21 (b) EFFECTIVE DATE.—The amendments made by
 22 this section shall not be effective with respect to any birth
 23 or placement occurring before the end of the 6-month pe-
 24 riod beginning on the date of the enactment of this Act.

1 **SEC. 4. CONFORMING AMENDMENT TO FAMILY AND MED-**
 2 **ICAL LEAVE ACT FOR GAO AND LIBRARY OF**
 3 **CONGRESS EMPLOYEES.**

4 (a) AMENDMENT TO FAMILY AND MEDICAL LEAVE
 5 ACT OF 1993.—Section 102(d) of the Family and Medical
 6 Leave Act of 1993 (29 U.S.C. 2612(d)) is amended by
 7 adding at the end the following:

8 “(3) SPECIAL RULE FOR GAO AND LIBRARY OF
 9 CONGRESS EMPLOYEES.—

10 “(A) SUBSTITUTION OF PAID LEAVE.—An
 11 employee of an employer described in section
 12 101(4)(A)(iv) taking leave under subparagraph
 13 (A) or (B) of subsection (a)(1) may elect to
 14 substitute for any such leave any paid leave
 15 which is available to such employee for that
 16 purpose.

17 “(B) AMOUNT OF PAID LEAVE.—The paid
 18 leave that is available to an employee of an em-
 19 ployer described in section 101(4)(A)(iv) for
 20 purposes of subparagraph (A) is—

21 “(i) the number of weeks of paid pa-
 22 rental leave in connection with the birth or
 23 placement involved that correspond to the
 24 number of administrative workweeks of
 25 paid parental leave available to Federal

1 employees under section 6382(d)(3)(A) of
 2 title 5, United States Code; and

3 “(ii) any additional paid vacation or
 4 sick leave provided by such employer.

5 “(C) LIMITATION.—Nothing in this para-
 6 graph shall be considered to require that an
 7 employee of such an employer first use all or
 8 any portion of the leave described in clause (ii)
 9 of subparagraph (B) before being allowed to use
 10 paid parental leave described in clause (i) of
 11 such subparagraph.

12 “(D) ADDITIONAL RULES.—Paid parental
 13 leave under subparagraph (B)(i)—

14 “(i) shall be payable from any appro-
 15 priation or fund available for salaries or
 16 expenses for positions with the employer
 17 described in section 101(4)(A)(iv); and

18 “(ii) if not used by the employee of
 19 such employer before the end of the 12-
 20 month period (as referred to in subsection
 21 (a)(1)) to which it relates, shall not accu-
 22 mulate for any subsequent use.”.

23 (b) EFFECTIVE DATE.—The amendment made by
 24 this section shall not be effective with respect to any birth

1 or placement occurring before the end of the 6-month pe-
2 riod beginning on the date of the enactment of this Act.

